

Remarks

Favorable reconsideration of this application is requested in view of the above amendments and the following remarks. Claims 1, 12-13 and 22 are amended. Support for the amendments can be found on at least page 10 of Applicant's Specification. Claims 1-26 remain pending in the case. No new matter has been added. Reconsideration of the claims is respectfully requested.

The undersigned attorney held an interview with Examiner on May 18, 2004. During the interview, prior art and Applicant's invention was discussed. As a result, Examiner stated that the final rejection would be withdrawn. Applicant thanks Examiner for taking the time to conduct a telephone interview.

A. Rejection Under 35 U.S.C. §103(a)

In paragraph 3 on page 2 of the Office Action, claims 1-5, 7-8, 10, 12-17 and 19-26 were rejected under 35 U.S.C. §103(a) as being unpatentable over Spurgeon (US 5,890,129) in view of Dyson (US 6,269,399, newly cited). In paragraph 4 on page 9 of the Office Action, claims 6, 9 and 11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Spurgeon (US 5,890,129) in view of Dyson (US 6,269,399), and further in view of Miller (US 5,608,784).

Applicant respectfully traverses these rejections, but in the interest of prosecution has amended the claims to clarify the original, intended scope of the claims. These amendments are clarifying only and are not intended to narrow the scope of the claims in any manner.

Claims 1 and 22 of the present invention require transmitting computer instructions (i.e., providing access) via a computer network for filing one or more claims for relief in the multiple-party proceeding. In Applicant's invention, the claimants have no preexisting applications to execute or forms to complete other than those transmitted or provided by Applicant.

Spurgeon fails to disclose or suggest transmitting computer instructions (e.g., programs, forms) via the computer network for filing one or more claims for relief in the multiple-party proceeding. Rather, Spurgeon discloses that local area network (LAN) software is installed on the insurer computer to enable the insurer computer to communicate over an insurer local area network as depicted in Fig. 1. The local area network software is part of an information-exchange system for allowing an information-exchange computer to communicate over the local area network. This

local area network software is merely a conduit for data to be transmitted. (col. 6, line 61 - col. 7, line 3).

More particularly, Spurgeon discloses that pre-existing computer system/data entry applications on the provider's computers and other pre-existing electronic medical record devices are used to enter data. The data is then collected and retransmitted to an information-exchange computer. The pre-existing devices include a PMS system, a proprietary Healthcare Information System (HIS) and HIS software and databases (col. 2, lines 19-29, lines 50-53, and lines 64-67). Further, Spurgeon states, "[t]he present invention is a system of exchanging clinical and business information, within the *existing* environment of disparate hardware and software." (emphasis added) (col. 3, lines 1-5). In contrast, Applicant's invention dynamically transmits computer instructions (e.g., programs, forms) as to avoid problems with existing applications/instructions for data entry – allowing Applicant's invention to be configurable for markedly different applications.

Dyson fails to remedy the deficiencies of Spurgeon as Dyson fails to disclose or suggest transmitting computer instructions via a computer network for filing one or more claims for relief in the multiple-party proceeding. Miller fails to remedy the deficiencies of Spurgeon and Dyson as Miller fails to disclose or suggest transmitting computer instructions via a computer network for filing one or more claims for relief.

Therefore, in view of the above remarks, Applicant's independent claims 1 and 22 are patentable over the cited references.

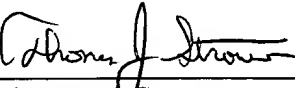
B. Conclusion

In view of the above, favorable reconsideration in the form of a notice of allowance is requested. Applicant notes that there may be additional arguments that support the patentability of the pending claims, including the claim as originally filed, in addition to those raised above. Applicant reserves the right to raise any such argument in the future. Any questions or concerns regarding this communication can be addressed to the undersigned attorney, John C. Reich, at (612) 336-4608.

Respectfully submitted,

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